

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.502 of 1999,
504 of 1999, 506 of 1999 & 556 of 1999.

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For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL
and
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UNIFLEX CABLES LTD

Versus

UNION OF INDIA

Appearance:

MR PR NANAVATI for Petitioner
MR MUKESH R SHAH for Respondent No. 1

CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE A.L.DAVE

Date of decision: 01/02/99

COMMON ORAL JUDGEMENT : (Per B.C. Patel, J.)

Rule. Mr.Mukesh R. Shah, learned advocate waives service of the rule on behalf of the respondents.

2. At the request of the learned advocates, the

matter is taken up for final hearing as the matter is covered by a decision of this Court in Meghdoot Laminarat Pvt. Ltd. v. Union of India being Special Civil Application No.6875 of 1998.

3. The grievance made by the petitioners herein is that the Commissioner of Central Excise (Appeals) is not deciding the stay applications filed by the petitioners and despite the fact that the stay applications as well as the Appeals are preferred, the Department has commenced recovery process for recovery of the dues against the petitioners. Considering the reported decision of this Court in the case of DCW Ltd. v. Commissioner (Appeals) & others, 1997 (2) GLR 913, this Court in the aforesaid SCA No.6875 of 1998, had directed the authorities not to affect coercive recovery till the application for stay is disposed of by the appellate authority. This Court also considered the decision rendered in Kilburn Engineering Ltd. v. Union of India decided on June 19, 1998 in Special Civil Application No.4684 of 1998.

4. In view of the facts and circumstances of the case, the appellate authority is directed to decide the stay application in accordance with law as early as possible, preferably within the period of six weeks from the date of receipt of writ of this order. It goes without saying that till the stay applications are disposed of no coercive recovery shall be effected.

5. The Special Civil Applications stand disposed of accordingly. Rule is made absolute to the aforesaid extent with no order as to costs.

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